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10/824,418

04/15/2004

Yoshiharu Shimada

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EXAMINER

VANDERHORST, MARIA VICTORIA

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

09/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/824,418	Applicant(s) SHIMADA, YOSHIHARU	
	Examiner M. VICTORIA VANDERHORST	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-12,14-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-12,14-17 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

This communication is in response to application 10/824,418, filed on 06/02/2008.

Claims 3, 4, 13, 18 and 23 have been canceled.

Claims 1, 2, 5-12, 14-17, and 19-22 have been amended.

Claims 1, 2, 5-12, 14-17, and 19-22 are presently pending in the application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 7 and 8, based in the amended claims 7 and 8, the same limitations contained in claim 7 are presented in claim 8. The redundancy renders the claims indefinite. Examiner suggests cancellation of one of these claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3688

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1, 2, 5-12, 14-17, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,985,879 Walker.

As to claim 1, Walker discloses a visiting customer management system including a storage medium carried by a customer (**Walker teaches a customer device that may be any computer device operable i.e. a personal computer (PC), personal digital assistant (PDA), a cellular phone and the customer devices may communicate over radio frequency (RF), infrared (IR), cable, etc, Col 5, lines 49-67, Col 6, lines 1-55, Col. 8. lines 4-15. Further Walker discloses that the customer device of his invention has a storage medium. Col 8. lines 16-29)**, in which at least customer identification information is stored (**Col. 3, lines 29-40)**, and a first detector that detects in a non-contact manner the information stored in said storage medium and that is arranged in a shop (**Col. 3, lines 34-53 and Fig. 1A and Fig. 1B . Further, Walker discloses seller devices that communicate with one or more customer devices , Col. 5, lines 4-18, which may comprise a point of sale or point of purchase terminals, Col. 5, lines 19-38. Furthermore, Walker adds, “Network 114 can be a wire or wireless network... It should be understood that communication between seller devices 112 and customer devices 116 may be direct or indirect. For example, communication may be via the Internet through a Web site maintained by a retailer associated with one or more of the seller**

Art Unit: 3688

devices 112 on a remote server or via an on-line data network including commercial on-line service providers, bulletin board systems and the like. In some embodiments, one or more of the customer devices 116 and one or more of the seller devices 112 may communicate over radio frequency ("RF"), infrared ("IR"), cable TV, satellite links and the like, including combinations thereof", Col. 6: lines 26-46) comprising:

a customer information storage device in which at least the customer identification information and a group to which said customer belongs are stored in advance (Walker discloses a seller device that in one of its embodiments registers one or more customers for a group reward, "upon registration in a group reward program, each customer in the group may, for example, receive a frequent shopper card that contains an identifier corresponding to the customer and/or an identifier corresponding to the group to which the customer belongs...",Col. 3 : lines 29-40. Further, Col 5: lines 4-18);

a visiting-customer information storage device in which customer identification information detected by said first detector is stored in association with a detection time at which the customer identification information is obtained (Walker's system comprises "one or more seller devices 112 communicate with one or more customer devices 116 via a network 114", Col. 4: lines 51-57, Fig. 1A. Further, a customer provides an identifier at a point of sale (detection time), Col. 3:29-40. Furthermore, Walkers refers to the conditions that the group must satisfy to earn

Art Unit: 3688

a reward such as “during a specific time” or times during which purchases must be made by one or more customers, Col. 3: lines 62-67, Col. 4: lines 1-5); and

a terminal that includes a second detector which detects customer identification information **(Walker’s system comprises “one or more seller devices 112 communicate with one or more customer devices 116 via a network 114”, Col. 4: lines 51-57. Further, his system has a series of terminals (client and customer devices) inter-networking between them, this allows that if one terminal recognizes a customer identifier, other point of sale terminal may recognize another customer that belongs to the same group , “the customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server” , Col. 3: lines 29-53, Col. 3: lines 61-67, Col. 4:1-26), wherein,**

when the second detector detects customer identification information, customer identification information for another customer who belongs to a same group as said customer is read from said customer information storage device, and if the customer identification information for said another customer is stored in said visiting-customer information storage device, said customer is recognized to have come with another member of the group and a reward is given to said customer **(Walker discloses a “shopping team” program (more than one customer is a team. In a team all the members belong to the same group. Also a group or team may be integrated by two members, a customer and a visiting customer). Further, Walker states “a**

Art Unit: 3688

frequent shopper program that allows individual customers to register with a retailer or other entity as a group and allows the group to earn a reward from the retailer or other entity based on the group's satisfaction of one or more conditions. The one or more conditions may comprise, for example, purchasing conditions that define purchases (e.g., a number and/or value of purchases) the group has to complete at one or more retailers", Col. 2: lines 45-55. In addition, Walker indirectly discloses that the visiting-customer information storage device (point-of-sale or point-of-purchase) recognizes that a customer have come with another member of the group, "the customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server", Col. 3: lines 34-40. Next, regarding to conditions the group must satisfy to get the reward Walker states "a specific time or times during which purchases must be made by one or more customers...the reward may be given to the group up-front at the time of its registration, before any predetermined condition(s) have been satisfied (e.g., before qualified purchases have been made)", Col. 3: lines 61-67, Col. 4:1-26. Finally, Walker teaches that the reward may be a one time reward, "the present invention is not necessarily a one-time reward but may be a reward that the group continues to earn and obtain as long as it meets the conditions associated with the reward ", Col. 4: 41-45).

But Walker does not directly disclose a customer that is recognized to have come with another member of the group and a reward is given to said customer.

However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, **Pierre Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many purchases decisions within the family are a joint choice process that has been recognized for some time.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant would perceive an increase in profits, customer loyalty and satisfaction.

As to claim 2, Walker teaches a system according to claim 1 above, and Walker further discloses wherein said storage medium is a radio-frequency identification (RFID) tag (**Walker discloses in Figs. 1A and 1B a system comprising a seller device, a**

Art Unit: 3688

customer device and a network or a plurality of them. In Col. 6 lines 40-45, Walker discloses that the customer and seller devices can communicate over radio frequency (RF). The customer device, of his invention may comprise a radio frequency transceiver, Col. 8, lines 16-29. Also the seller device of his invention may comprise a radio frequency transceiver, Col. 9 lines 35-50).

As to claim 5, Walker teaches a system according to claim 1 above, and Walker further discloses wherein: if the difference between a detection time at which the customer identification information is detected and a detection time at which the customer identification information for another customer is detected, said customer is recognized to have come with another falls within a predetermined period of time member of the group (**Walker's system elaborates on identify the customer and the group to which he/she belongs, "each customer in the group may, for example, receive a frequent shopper card that contains an identifier corresponding to the customer and/or an identifier corresponding to the group to which the customer belongs. The customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer", Col. 3: lines 29-40. Further, Walker's system comprises rules or conditions that the group must satisfy in order to earn the reward, one of then may be a specific period of time or the reward may be giving to the group at front, or combining both approaches, "a**

Art Unit: 3688

specific time or times during which purchases must be made by one or more customers”, Col. 3: lines 61-67, Col. 4:1-26).

As to claim 6, Walker teaches a system according to claim 1 above, and Walker further discloses wherein said second terminal is a point-of-sales_(POS) terminal (**Fig 1A, the seller device, may comprise a point-of-sale terminal, Col. 5, lines 19-38).**

As to claim 7 and 8, Walker teaches a system according to claim 1 above, and Walker further discloses a host computer (**Walker’s system comprises a controller (host computer) operated on or in behalf of a retailer that has implemented a group reward program. Further, Walker’s controller stores (obtains) data from seller device and customer device, such information is useful to correlate data in a group reward program, Col. 6: lines 56-67, Col. 7: 1-43, Fig. 1B).** wherein:

when said second detector detects customer identification information, said terminal reads customer identification information for another customer, who belongs to the same group as said customer, from said customer information storage device, and notifies said host computer of the read customer identification information (**Walker’s system has a series of terminals (client and customer devices) inter-networking between them, this allows that if one terminal recognizes a customer identifier, other point of sale terminal may recognize another customer that belongs to the same group** , **“the customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a**

Art Unit: 3688

transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server” , Col. 3: lines 29-53, Col. 3: lines 61-67, Col. 4:1-26); and

when the customer identification information for another customer who belongs to the same group as said customer is stored in said visiting-customer information storage device, and the difference between a detection time at which the customer identification information on said customer is detected and a detection time at which the customer identification information said another customer is detected falls within a predetermined period of time, said host computer judges that said customer has come with another member of the group (**Walker teaches that his system can combine different approaches and rules or conditions to grant rewards, Col. 3: lines 61-67, Col. 4:1-26. Some of those rules may be the number of customers present at the time of the automatic reward redemption which is initiated when the point-of-sale receives a frequent-shopper-identifier, Figs. 7A, 7B and 7C, Col. 14:41-67, Col. 15:1-48). Then, the system verifies if the shopper is a member of a group and it retrieves rewards rules for the group, Fig. 7A. Furthermore, Walker’s system stores in a database customized reward rules for each group, such as “two customers, the customer and the visiting customer, must be present with a lapse of time of 5 minutes at the point of sale to grant a reward”, Fig. 5, Col. 11:35-67, Col. 12: 1- 18).**

But Walker does not directly disclose a host computer that judges whether a customer has come with another member of a group to which he/she belongs.

However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, **Pierre Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many purchases decisions within the family are a joint choice process that has been recognized for some time.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant can use the integration capability of a host computer not only to store information but to relate data of all the members of a group, generating satisfaction to the merchant and the customer.

As to claim 9, Walker teaches a visiting customer management system including a storage medium carried by a customer, in which at least customer identification information is stored, and a first detector that detects in a non-contact manner the information stored in said storage medium and that is arranged in a shop

Art Unit: 3688

(Walker teaches a customer device that may be any computer device operable i.e. a personal computer (PC), personal digital assistant (PDA), a cellular phone and the customer devices may communicate over radio frequency (RF), infrared (IR), cable, etc, Col 5, lines 49-67, Col 6, lines 1-55, Col. 8. lines 4-15. Further Walker discloses that the customer device of his invention has a storage medium. Col. 8. lines 16-29. Further, his system has a customer identifier, Col. 3, lines 29-40. Furthermore, Walker discloses that his devices inter-network between them, communicating (detecting) and storing information, Col. 3, lines 34-53 and Fig. 1A and Fig. 1B , Col. 5, lines 4-18, Col. 5, lines 19-38. Furthermore, Walker adds, "Network 114 can be a wire or wireless network... It should be understood that communication between seller devices 112 and customer devices 116 may be direct or indirect. For example, communication may be via the Internet through a Web site maintained by a retailer associated with one or more of the seller devices 112 on a remote server or via an on-line data network including commercial on-line service providers, bulletin board systems and the like. In some embodiments, one or more of the customer devices 116 and one or more of the seller devices 112 may communicate over radio frequency ("RF"), infrared ("IR"), cable TV, satellite links and the like, including combinations thereof", Col. 6: lines 26-46), comprising:

a customer information storage device in which the customer identification information and a group to which said customer belongs are stored in advance (Walker discloses a seller device that in one of its embodiments registers one or more

Art Unit: 3688

customers for a group reward, “upon registration in a group reward program, each customer in the group may, for example, receive a frequent shopper card that contains an identifier corresponding to the customer and/or an identifier corresponding to the group to which the customer belongs...”, Col. 3 : lines 29-40, Col 5: lines 4-18; and

a terminal including a second detector that detects customer identification information, wherein:

said second detector detects the customer identification information on said customer (Walker’s system has a series of terminals (client and customer devices) inter-networking between them, this allows that if one terminal recognizes a customer identifier, other point of sale terminal may recognize another customer that belongs to the same group , “the customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server” , Col. 3: lines 29-53, Col. 3: lines 61-67, Col. 4:1-26);

said first detector obtains customer identification information on other customers that are present in said shop;

if customer identification information on another member of the group to which said customer belongs corresponds to one of the pieces of customer identification information on the other customers that are present in said shop a reward is given to said customer (Walker discloses a “shopping team” program . Further, Walker

Art Unit: 3688

states “a frequent shopper program that allows individual customers to register with a retailer or other entity as a group and allows the group to earn a reward from the retailer or other entity based on the group's satisfaction of one or more conditions. The one or more conditions may comprise, for example, purchasing conditions that define purchases (e.g., a number and/or value of purchases) the group has to complete at one or more retailers”, Col. 2: lines 45-55. In addition, Walker indirectly discloses that the visiting-customer information storage device (point-of-sale or point-of-purchase) recognizes that a customer have come with another member of the group, “the customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server”, Col. 3: lines 34-40. Next, regarding to conditions the group must satisfy to get the reward Walker states “a specific time or times during which purchases must be made by one or more customers...the reward may be given to the group up-front at the time of its registration, before any predetermined condition(s) have been satisfied (e.g., before qualified purchases have been made)”, Col. 3: lines 61-67, Col. 4:1-26. Finally, Walker teaches that the reward may be a one time reward, “the present invention is not necessarily a one-time reward but may be a reward that the group continues to earn and obtain as long as it meets the conditions associated with the reward ”, Col. 4: 41-45).

But Walker does not directly disclose a customer that is recognized to have come with another member of the group.

However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, **Pierre Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many purchases decisions within the family are a joint choice process that has been recognized for some time.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant would monitor a customer that refers a plurality of customers. This generates a sense of system trustworthiness between the parties and customer satisfaction since more customers' referral implies more rewards for the customer.

As to claim 10, see the discussion of claims 9 and 2.

As to claim 11, see the discussion of claims 9 and 6.

As to claim 12, Walker teaches a system according to claim 9 above, and Walker further discloses a first detector that is arranged so that it can simultaneously detect the pieces of customer identification information on all the customers that are present in said shop (**Walker's system comprises one or more seller devices that can communicate with one or more customer devices over a network. Fig. 1A, Col. 4, lines 51-57. Further Col. 3, lines 29-40**) .

As to claim 14 and 19, Walker discloses a system including a storage medium carried by a customer(**Col 5, lines 49-67, Col 6, lines 1-55, Col. 8. lines 4-15, Col 8. lines 16-19**), in which at least customer identification information is stored,(**Col. 3,lines 29-40**) and a first detector that detects in a non-contact manner the information stored in said storage device and that is arranged in a shop (**Col. 5, lines 16-17, Col 6, lines 40-45**), comprising:

a customer information storage device in which the customer identification information and a group to which said customer belongs are stored in advance (**Col 5, lines 4-18, Col. 3, line 29-40**);

a terminal including a second detector that detects customer identification information (**Col. 2: lines 45-55, Col. 3: lines 34-40. Col. 3: lines 61-67, Col. 4:1-26, Col. 4: 41-45**); and

a host computer (**controller, Fig. 1B, Col. 6, lines 56-67, Col 7, lines 5-43**),
wherein:

Art Unit: 3688

when said second detector detects the customer identification information on said customer, said terminal notifies said host computer of the detected customer identification information (**Walker's system comprises a controller such as a store server that is in communication with one or more point-of-sale terminals, Col. 7, lines 5-43**);

said host computer obtains customer identification information on another customer, who belongs to the same group as said customer, from said customer information storage device, and notifies said terminal of the customer identification information on another customer (**Walker discloses a customer device that contains identification corresponding to the customer and to the group, and a seller device, Col. 5, lines 16-17, which may communicates (detects) with one or more customers devices, Col 6, lines 40-45**); and

if one of pieces of customer identification information for other customers that are present in said shop corresponds to the customer identification information for said another member who belongs to the same group as said customer, said terminal judges that said customer has come with another member of the group and said reward is given to said customer (**Walker indirectly discloses that the visiting-customer information storage device (point-of-sale or point-of-purchase) recognizes that a customer have come with another member of the group, Col. 3: lines 34-40, Col. 3: lines 61-67, Col. 4:1-26**).

But Walker does not directly disclose a host computer that judges whether a customer has come with another member of a group or a plurality of members of the group to which he/she belongs.

However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, Pierre **Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many purchases decisions within the family are a joint choice process that has been recognized for some time.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant can use the integration capability of a host computer to relate data of a first and second customer and all the plurality of customers that are visiting the store or establishment with said first and second customer. This generates satisfaction and a sense of system reliability.

As to claim 15 and 20, see the discussion of claims 14, 19 and 2.

As to claim 16 and 21, see the discussion of claims 14, 19 and 6.

As to claim 17 and 22, see the discussion of claim 14, 19 and 12.

Response to Arguments

5. Applicant's arguments filed on 06/02/2008 have been fully considered. The arguments regarding rejections under 35 U.S.C 102 are moot in light of the above new grounds of rejection. All the claims are rejected under 35 U.S.C 103 above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3688

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. VICTORIA VANDERHORST whose telephone number is (571)270-3604. The examiner can normally be reached on regular.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571 272 6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. V./

Examiner, Art Unit 3688

Application/Control Number: 10/824,418

Page 21

Art Unit: 3688

/Raquel Alvarez/

Primary Examiner, Art Unit 3688